

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

JOHN DAVID FRIEND,

Petitioner,

v.

CIVIL ACTION NO. 2:22-cv-00358

STAFF,

Respondent.

**ORDER**

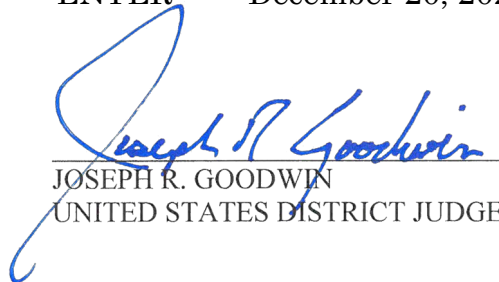
This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. Magistrate Judge Tinsley submitted his Proposed Findings and Recommendation [ECF No. 4] (“PF&R”) and recommended that I dismiss this matter for failure to prosecute. Neither party timely filed objections to the PF&R nor sought an extension of time.

A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R and orders judgment consistent therewith. The court **DISMISSES** this matter for failure to prosecute and **ORDERS** that this case be **REMOVED** from the docket of the court.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: December 20, 2022



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE